

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CHRISTOPHER IRWIN,)	
Plaintiff)	
v.)	C.A. No. 04-246 ERIE
)	District Judge McLaughlin
CHARTIERS TWP. POLICE DEPT.,)	Magistrate Judge Baxter
et al.,)	
Defendants.)	

ORDER

AND NOW, this 1st day of September, 2005;

IT IS HEREBY ORDERED that Plaintiff's motion to amend/correct complaint [Document # 31] is dismissed as moot, as the amendment Plaintiff seeks to file is identical in all material respects to the amended complaint previously authorized by Order of this Court dated July 14, 2005 [Document # 27].

IT IS FURTHER ORDERED that Plaintiff shall disregard this Court's Order dated July 28, 2005 [Document # 30], which granted Plaintiff an extension of time until August 31, 2005 to file a response to Defendants' motion to dismiss, as the motion to dismiss had previously been dismissed without prejudice by Order of this Court dated July 25, 2005 [Document # 28].

IT IS FURTHER ORDERED that the parties are allowed ten (10) days from this date to appeal this order to a district judge pursuant to Local Rule 72.1.3 B. Failure to appeal within ten (10) days may constitute waiver of the right to appeal.

S/Susan Paradise Baxter
SUSAN PARADISE BAXTER
Chief U.S. Magistrate Judge